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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA, TUCSON DIVISION**

In re: DAVID CONNELLY ELIZABETH CONNELLY Debtor	Case No. 09-33553-TUC-EWH RESPONSE TO TRUSTEE'S NOTICE OF INTENTION TO DISMISS FOR FAILURE TO CONFIRM PLAN AND MOTION TO EXTEND DUE TO CONTINUING LITIGATION Chapter 13
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COMES NOW, DAVID CONNELLY and ELIZABETH CONNELLY, Debtor, and files this Response to Trustee's Notice of Intention to Dismiss and Motion to Extend Due to Continuing Litigation, responding to the Motion filed by DIANNE KERNS, Trustee, Movant.

1. This chapter 13 case was commenced by the filing of a petition on 12/29/2009. The plan has not yet been confirmed. This response is filed pursuant to Local Rule 2084-16.

2. Debtor asks that the case not be dismissed at this time because there is ongoing litigation that is not complete. There is an adversary pertaining to the secondary mortgage filed 12/21/2010. There is also a pending issue pertaining to the primary mortgage that has not been resolved, but which may or may not be an impediment to confirmation. However the the secondary lien issue should be decided by an order avoiding lien prior to submission of the order confirming plan.

WHEREFORE, Debtor asks that the Court: deny the Trustee's Motion.

Dated, January 24, 2011.

Respectfully submitted,
/s/ Ronald Ryan
Ronald Ryan, Debtor's Counsel

CERTIFICATE OF SERVICE

I certify that on January 24, 2011, a true copy of the forgoing was emailed to: Chapter 13 Trustee; and mailed to: Debtor.

/s/ Ronald Ryan
Ronald Ryan